

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 07-20189
Honorable David M. Lawson

JOHNNIE CROMER,

Defendant.

ORDER DENYING MOTION TO CORRECT CLERICAL ERROR IN JUDGMENT

On June 23, 2008, the Court entered judgment as to defendant Johnnie Cromer. On April 9, 2012, defendant Cromer filed a motion to correct purported clerical errors in the judgment. Defendant Cromer requests that the Court amend the judgment to include citations to *United States v. Booker*, 543 U.S. 220 (2005) and 18 U.S.C. § 3553(a) and to change the charged offense from 18 U.S.C. § 924(c) to 18 U.S.C. § 924(c)(1)(A)(ii).

Federal Rule of Criminal Procedure 36 provides that a court may “at any time correct a clerical error in a judgment” Fed. R. Crim. P. 36. However, the issues that defendant Cromer has brought to the attention of the Court are not, in fact, clerical errors. The failure to include the citations requested by defendant Cromer was not a clerical error, and the defendant was, in fact, charged with a violation of 18 U.S.C. § 924(c). The defendant’s motion is without merit and will be denied.

Accordingly, it is **ORDERED** that defendant Cromer's motion to correct clerical error in judgment [dkt. #141] is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: April 16, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 16, 2012.

s/Deborah R. Tofil
DEBORAH R. TOFIL